

John Brosnan
3321 Vincent Road
Pleasant Hill, California 94523
Telephone: 510.779.1006
Facsimile: 925.237.8300

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN BROSINAN

Plaintiff

Vs.

DON OBERLE, TIMOTHY JON CARRE,
JAMES G. SCHWARTZ, JOSHUA D. BRYSK,
INNOVATIVE MORTGAGE SOLUTIONS,
MERIDIAN CAPITAL INC.
And DOES 1-100

Case No.

FIRST AMENDED COMPLAINT
COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF
VIOLATION OF 18 U.S.C. §1621 – PERJURY,
VIOLATION OF 18 U.S.C. § 241 CONSPIRACY
TO COMMIT PERJURY

DEMAND FOR JURY TRIAL

Date : -
Time : -
Place : -
Trial Date : None Set

JOHN BROSINAN alleges as follows:

JURISDICTION, VENUE, AND PARTIES

1. This Court has original jurisdiction of the causes of action herein which are brought under 18 U.S.C. §241 and 18 U.S.C. §1621.

2. The unlawful actions of the defendants were committed in the State of California and in the judicial district of this Court.

3. Plaintiff is a Nevada resident.

4. Plaintiff is informed and believes that Don Oberle (“OBERLE”) is a California resident.

5. Plaintiff is informed and believes that Tim Carre (“CARRE”) is a California resident.

6. Plaintiff is informed and believes that Joshua D. Brysk (“BRYSK”) is a California resident.

7. Plaintiff is informed and believes that James G. Schwartz “SCHWARTZ”. is a California

1 resident.

2 8. Plaintiff is informed and believes that Innovative Mortgage Inc. ("INNOVATIVE") is a
3 California corporation.

4 9. Plaintiff is informed and believes that Meridian Mortgage Inc. ("MERIDIAN") is a California
5 corporation.

6 **FACTS**

7 10. On August 31, 2006, an Involuntary Chapter 7 Bankruptcy in the Northern District of California
8 was filed against OBERLE, case number 06-41515. Said case was closed on June 6, 2007.

9 11. On September 28, 2006, OBERLE, via BRYSK and SCHWARTZ, filed an Adversary
10 Proceeding in the Bankruptcy Court, against BROSAN, case # 06-41515. In said Adversary Proceeding
11 OBERLE alleged personal damages relating to lost business.

12 12. On May 22, 2007, OBERLE caused to be filed with the court a declaration [DECLARATION]
13 signed under penalty of perjury [Exhibit 1]. In the DECLARATION, OBERLE stated that he had been
14 injured in the amount of \$307,488.77. OBERLE stated in the DECLARATION that two companies,
15 INNOVATIVE and MERIDIAN were to have respectively provided him clients worth \$50,314 and
16 \$238,000.

17 13. On July 20, 2007, a trial was held, said trial was presided over by the Honorable Edward D.
18 Jellen, said trial was held based upon the DECLARATION of OBERLE. BROSAN was present at the
19 hearing. OBERLE presented his case to the court at length via questioning by his attorney SCHWARTZ,
20 BROSAN was denied the right to cross-examine OBERLE.

21 14. On August 3, 2007, the court rendered a decision [Exhibit 2]. On page 3 of the DECISION the
22 court held that the testimony of OBERLE was contradictory and unpersuasive, based upon the testimony
23 the decision ("DECISION") of the court was that OBERLE take nothing on his claim of damages.

24 15. On page 2 of the DECISION the court states that the only reason for the holding of the trial was
25 due to the declaration of OBERLE and his claim of damages in the amount of \$307,488.77. Damages
26 that the court did not believe existed and that OBERLE refused to provide evidence for even though
27 OBERLE had requested on two occasions for an extension of time to gather the evidence proving his
28 damages.

1 16. OBERLE committed perjury when he claimed in the DECLARATION that he lost monies.
2 OBERLE provided no proof to the court as to his claim of lost monies, this was after he was given
3 multiple extensions of time to gather the evidence supporting his losses.

4 17. OBERLE committed conspiracy to commit perjury when he conspired with the other defendants
5 in order to prepare and file his untrue declaration.

6 18. OBERLE is no stranger to perjury and lying to the courts and authorities.

7 19. OBERLE is a convicted felon from the state of Florida [Exhibit 5].

8 20. OBERLE is currently on trial for identity theft in Contra Costa County [Exhibit 3].

9 21. OBERLE is currently being sued by the People of The State of California for illegally operating a
10 credit repair business [Exhibit 4].

11 22. OBERLE has committed real estate and mortgage fraud. When a person applies for a mortgage
12 loan on a house that person must state whether they are a convicted felon or not. OBERLE has repeatedly
13 stated under penalty of perjury that he is not a convicted felon, even though he is.

14 23. OBERLE has committed perjury in official court records.

15 24. OBERLE testified in a family law courtroom in a child support hearing in 2007 that he only
16 makes \$1,000 a month yet he owns a house with over a million dollar mortgage. Based on the even the
17 best loans available on the market today the mortgage would be in excess of a \$1,000 per month.

18 25. OBERLE is a child molester.

19 26. The list goes on and on about the perjuries, thefts, illegal acts and child molestation all
20 perpetrated by OBERLE. Said additional information will be provided in the course of the trial.

21 FIRST CAUSE OF ACTION

22 FRAUD via 18 U.S.C. §1622 - PERJURY

23 OBERLE

24 27. Plaintiff refers to the allegations of the preceding paragraphs of this complaint, and incorporates
25 the same herein by this reference as though set forth in full.

26 28. On May 21, 2007, OBERLE, caused to be filed a DECLARATION.

27 29. In the declaration OBERLE committed perjury when he stated that he was damaged by losing
28 business from INNOVATIVE and MERIDIAN.

SECOND CAUSE OF ACTION

Fraud via 18 U.S.C. §261 - CONSPIRACY

ALL DEFENDANTS

30. Plaintiff refers to the allegations of the preceding paragraphs of this complaint, and incorporates the same herein by this reference as though set forth in full.

31. All defendants conspired with OBERLE. All defendants were aware that the DECLARATION being filed with the court was false but acted in concert with OBERLE to commit perjury and deny BROSNAN his right to a fair trial.

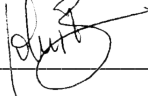
32. In order for OBERLE to be able to file the DECLARATION, OBERLE had to secure the co-operation of the other defendants so that he could file the false DECLARATION and injure BROSNAN.

33. Plaintiff furthermore seeks its attorney fees and costs against the defendants.

WHEREFORE, plaintiff prays judgment against the defendants and each of them as follows:

1. For actual monetary damages according to proof;
2. For punitive damages against OBERLE in the amount of \$25,000.000 for perjury;
3. For punitive damages against OBERLE in the amount of \$25,000.000 for conspiracy;
4. For punitive damages against all other defendants in the amount of \$100,000.000 for conspiracy to commit perjury;
5. For a preliminary and permanent injunction preventing the defendants and all person acting in concert with them from the violation of 18 U.S.C. § 261 and §1622;
6. For an award of reasonable attorneys' fees and costs according to proof;
7. For costs of suit; and
8. For such other and further relief as this Court deems just and proper.

DATED: December 3, 2007

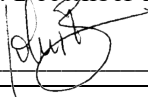


John Brosnan

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial in the above-entitled matter.

DATED: December 3, 2004



John Brosnan

COMPLAINT

EXHIBIT 1

| | | | | | | | | | | | | | |

JAMES G. SCHWARTZ, #069371
JOSHUA D. BRYSK, #184200
LAW OFFICES OF JAMES G. SCHWARTZ
A Professional Corporation
7901 Stoneridge Drive, Suite 401
Pleasanton, CA 94588
(925) 463-1073

Attorneys for Plaintiff
DON OBERLE

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

In re:)	Case No.: 06-41515
)	
DON OBERLE,)	Chapter 7
)	
Debtor.)	
)	Adv. Proc. No.: 06-04223
)	
DON OBERLE,)	
)	
Plaintiff)	
)	DECLARATION OF DON OBERLE IN
vs.)	SUPPORT OF DEFAULT JUDGMENT
)	
JEAN WHITLEY, WILLIAM WHITLEY)	
)	
and JOHN BROSNAN,)	
)	
Defendants.)	

I, DON OBERLE, declare as follows:

1. I am the Plaintiff herein, and the Debtor in the underlying Involuntary Bankruptcy Case ("Petition") filed herein. As such, I have firsthand knowledge of the matters attested to herein and, if called to testify, I would competently testify as hereinafter set forth.

2. I filed a complaint to dismiss the Petition herein as filed in bad faith.

3. The Court has entered the default of Defendants JOHN BROSNAN, JEAN WHITLEY and WILLIAM WHITLEY.

4. The filing of the Petition in bad faith by Defendants has caused me damage in the expenditure of legal fees, loss of reputation, harm to my credit rating, and business lost.

5. In this matter, I have incurred necessary legal fees to Michael J. Primus in the amount of \$7,480.00 in defending myself against the Petition filed in bad faith.

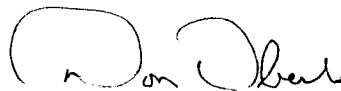
6. In this matter, I have incurred necessary legal fees to the Law Offices of James G. Schwartz in the amount of \$11,694.77 in filing and prosecuting the adversary proceeding herein to have the Petition filed in bad faith dismissed.

7. In addition, the filing of the Petition in bad faith resulted in the impairment of my ability to conduct business. I am in the credit repair business, and the blemish caused on my own credit report by the bad faith filing of the bankruptcy Petition against me, caused two mortgage companies, Innovative Mortgage Solutions ("IMS") and Meridian Capital ("Meridian"), to refuse to refer their clients to my business for credit repair services.

8. Prior to learning of the bankruptcy filing, IMS and Meridian each prepared a list of clients to be referred: the IMS list included 20 clients representing \$50,314 in revenue for my business; the Meridian list included 100 clients representing \$238,000 in revenue for my business.

9. Due to the expenditure of legal fees and lost business incurred as a direct result of the bad faith Petition filing I have been damaged in a total of \$307,488.77.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed May 21, 2007, at Concord, California.



DON OBERLE

EXHIBIT 2

| | | | | | | | | | | | | | |

August 03, 2007

GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

Signed: August 03, 2007

EDWARD D. JELLEN
U.S. Bankruptcy JudgeUNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re

No. 06-41515 EDJ 7

Adv. No. 06-04223

DON OBERLE,

Debtor. /

DON OBERLE,

Plaintiff,

vs.

JEAN WHITLEY, WILLIAM WHITLEY,
and JOHN BROSNAN,

Defendants. /

DECISION

This is an adversary proceeding in which plaintiff Don Oberle ("Oberle") seeks an award of actual and punitive damages pursuant to Bankruptcy Code § 303(i)¹ against defendants Jean Whitley, William

¹Bankruptcy Code § 303(i) provides:

(i) If the court dismisses a petition under this section other than on consent of all petitioners and the debtor, and if the debtor does not waive the right to judgment under this subsection, the court may grant judgment -

(continued...)

Whitley, and John Brosnan. The defendants are the petitioners under an involuntary chapter 7 petition filed August 31, 2006, which this court dismissed by order filed December 12, 2006 for the reasons set forth in a Decision re: Motion to Dismiss, filed December 21, 2006 (the "Decision").

The clerk of court had entered the defaults of the defendants in this adversary proceeding, but the court elected to hold a default hearing because of the large amount of damages being claimed by Oberle, some \$307,488 including attorneys' fees. Fed. R. Civ. P. 55(b)(2), applicable to adversary proceedings via Fed. R. Bankr. P. 7055. The default hearing has been held, and the court has considered the evidence submitted.

The court holds that Oberle is entitled to an award of attorneys' fees in the sum of \$7,480 in respect of his successful defense of the involuntary petition, and an additional award of attorneys' fees in the sum of \$2,500 in connection with his prosecution of this adversary proceeding. The court finds that, except as to the foregoing attorneys' fees, Oberle did not suffer

¹(...continued)

(1) against the petitioners and in favor of the debtor for

-

(A) costs; or

(B) a reasonable attorney's fee; or

(2) against any petitioner that filed the petition in bad faith, for -

(A) any damages proximately caused by such filing; or

(B) punitive damages.

1 any damages as the proximate result of the involuntary petition, and
2 therefore holds that he is not entitled to an award of any
3 consequential or punitive damages under Bankruptcy Code §
4 303(i)(2).²

5 A. Consequential and Punitive Damages

6 At trial, Oberle failed to prove that he suffered any
7 consequential damages. The oral testimony he presented was
8 contradictory and unpersuasive. He testified that he was upset by
9 the petition. He testified, unconvincingly, that Doso, Inc., a
10 corporation in which he had a 51% shareholder interest, lost some
11 business as a consequence of the involuntary petition. However, he
12 failed to show that he personally suffered any loss as a consequence
13 and failed to provide any admissible documentary evidence of any
14 kind that might establish any damages.

15 With respect to punitive damages, Oberle not only failed to
16 establish any actual damages, but also failed provide any evidence
17 as to the wealth of any of the defendants. The court therefore
18 holds that Oberle is not entitled to an award of punitive damages.
19 See Prof'l Seminar Consultants, Inc. v. Sino Am. Tech. Exch.
20 Council, Inc., 727 F.2d 1470, 1473 (9th Cir. 1984) (holding that, in
21 assessing punitive damages, the court must consider the nature of
22 the defendants' acts, the amount of the compensatory damages
23 awarded, and the wealth of the defendants).

25 ²All further section references herein are to the Bankruptcy
26 Code, 11 U.S.C. § 101 et. seq.

1 B. Attorneys' Fees

2 There is no question that Oberle has satisfied the two
3 statutory prerequisites for an award of attorneys' fees: the court
4 dismissed the involuntary petition on a ground other than consent by
5 the parties, and Oberle did not waive his right to recovery under
6 the statute. Section 303(i).

7 However, because § 303(i)(1) provides that the court "may"
8 award attorney's fees thereunder, an award of fees is discretionary,
9 not mandatory. Higgins v. Vortex Fishing Sys., Inc., 379 F.3d 701,
10 705-706 (9th Cir. 2004). In considering whether to award attorneys'
11 fees, the court is to consider the "totality of the circumstances."
12 Id.

13 Here, the totality of circumstances dictates that Oberle be
14 awarded attorneys' fees. Not one of the petitioners was a qualified
15 petitioner. Decision, p. 5. Brosnan's alleged claim was in the sum
16 of only \$2, strongly suggesting bad faith on his part. Jean
17 Whitley's claim was valid, but the evidence she submitted in
18 connection with Oberle's motion to dismiss the petition failed to
19 show that Oberle was delinquent in payment. Decision, p. 5.

20 Moreover, Jean Whitley attempted to split the single debt
21 Oberle owed her into two debts by assigning a portion to William
22 Whitley for the apparent purpose of creating another creditor that
23 could join in the involuntary petition. Decision, pp. 2-3.

24 None of the defendants submitted any evidence of any facts that
25 might justify their conduct or suggest that, considering the
26 totality of the circumstances, an award of attorneys' fees against

1 them would be inappropriate.

2 The court holds that the totality of the circumstances
3 justifies an award of attorneys' fees in favor of Oberle.

4 As to the amount, Oberle incurred attorney's fees to Michael J.
5 Primus ("Primus") in the sum of \$7,480.³ Oberle incurred these fees
6 in defending the ill-grounded involuntary petition. The amounts
7 appear reasonable, and the court will include this amount in the
8 award.

9 Oberle incurred attorney's fees to James D. Schwartz
10 ("Schwartz") in the sum of at least \$11,694.77 for prosecution of
11 this adversary proceeding.⁴ The court finds this amount excessive.
12 Apart from attorneys' fees, Oberle suffered no damages. Although
13 the adversary proceeding was justified as a mechanism to obtain
14 reimbursement for the \$7,480 in fees Oberle incurred to Primus, the
15 \$11,694 is over one and one-half times \$7,480.

16 Schwartz is entitled to a reasonable fee for preparation and
17 service of the complaint, and obtaining the defaults of the
18 defendants. However, he is not entitled to a fee for attempting to
19 obtain a judgment that included some \$238,000 in nonexistent
20 consequential damages and services related thereto.

21 The court does not have a breakdown as to the specific charges
22 and services encompassed within the \$11,694. Based on the available
23

24 ³Declaration of Don Oberle in Support of Default Judgment,
dated May 21, 2007.

25 ⁴Declaration of Don Oberle in Support of Default Judgment,
26 dated May 21, 2007.

1 information, the court will set \$2,500 as a reasonable attorney's
2 fee. This brings the total award to \$9,980.

3 C. Conclusion

4 The court will issue its judgment in this adversary proceeding
5 imposing attorneys' fees against all three defendants, as a joint
6 and several liability, in the sum of \$9,980, allocated \$7,480 in
7 respect of Primus's fees and \$2,500 in respect of Schwartz's fees.

8 **END OF ORDER**
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COURT SERVICE LIST

Office of the U.S. Trustee
1301 Clay Street, Suite 690-N
Oakland, CA 94612

James G. Schwartz, Esq.
Joshua D. Brysk, Esq.
Law Offices
7901 Stoneridge Drive, Suite 401
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Duane L. Tucker, Esq.
Law Offices
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Hayward, CA 95544

John Brosnan
3321 Vincent Road
Pleasant Hill, CA 94523

Michael J. Primus, Esq.
Law Office
1500 Newell Avenue, Suite 409
Walnut Creek, CA 94596

EXHIBIT 3

Superior Court of California, County of Contra Costa

☐ MARTINEZ

725 COURT ST.
MARTINEZ, CA 94553
(925) 646-2449

☐ PITTSBURG

45 CIVIC AVE.
PITTSBURG, CA 94565
(925) 427-8174

☐ RICHMOND

100 37th ST.
RICHMOND, CA 94805
(510) 374-3783

☒ WALNUT CREEK

640 YGNACIO VALLEY RD.
WALNUT CREEK, CA 94596
(925)

To:

Karen Singh
District Attorney's Office

Date:

6/6/06

People of the State of California

Case No. 127246-7

vs.

Oberle, Donald

Attached is a copy of the police report for redacting by your office.

Please return to the above checked court location upon completion.

Thank you,
Ken Torre, by


Court Clerk

PCSection 964(03/23/05)

Attachment B to Procedure No. _____

**CONTRA COSTA COUNTY
Office of the District Attorney****INVESTIGATIVE REPORT**

Type of Investigation: PC 530.5 Identity Theft	Docket / File / Police Report No. 05-12-336
Subject / Defendant: Oberle, Donald	
Inspector Assigned: P. Venable	Date Assigned: 12-13-05

Investigative Summary

Suspect used the social security number of the victim to obtain a cell phone account. Suspect also used a different name. Subsequent investigation revealed numerous credit card charge offs under the false identity.

Suspect(s): Oberle, Donald; DOB: 2-12-66; 89 Oak Rd, Orinda, Ca, cell #925-323-8013

Victim(s): Gapsch, Kimberly; DOB: 11-15-56; [REDACTED]
[REDACTED]

Witness(es): Oberle, Samsara; DOB: 3-6-72; [REDACTED]
[REDACTED]

Others: Brosnan, John; DOB: 4-7-64; [REDACTED]
[REDACTED]

Evidence: PV-1 Phone records from Cingular wireless

Attachment(s): Orinda Police Reports 05-23482 and 05-28092

Credit reports from Gapsch

Written By: *Philip Venable*
Inspector Philip Venable

Date: 5/22/2006

Continuation/Supplemental Report

Supplemental	
Continuation	X

Subject / Defendant: Oberle, Donald	Docket / Report No. 05-12-336
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Narrative: Samsara reported she and her husband, Donald Oberle, are going through a divorce. During the course of the divorce they were involved in a dispute over their jointly owned business. During one court session Samsara was given control of the company and was trying to determine the assets when she found a cell phone bill in the name of Dominick Borlini. The cell phone number on the bill was the same cell phone number her husband, Donald, used, ~~the cell phone~~.


Samsara said there was no employee she knew of by that name and ran a credit check using only the name. Samsara said she got a credit report hit in the name of Dominick Borlini which showed numerous charge offs and collections, however the residence address on the credit report was a mail stop she and Donald used for their business.

Samsara was suspicious and called me. Samsara got my number from the business because DDA Lon Wixon and I had questioned a couple of employees of the business, Creditline Financial, during an investigation into the business practices of Creditline Financial conducted the previous year.

I asked Samsara to bring in her documentation and I would check the information. Samsara showed me the credit report of Borlini and I noticed the social security number was ~~555-555-5555~~. I ran the name through a public records check which did not return any results. I ran the social security number through a credit header check and found the number had been issued in the state of Washington, in 1972, to Gapsch.

I called the Tacoma Police Dept and spoke with Det Dave Lucky, ph#253-591-5869. I explained the situation to Det Lucky and asked if he could contact Gapsch and have her call me. Det Lucky said he would.

The next day I received a call from Gapsch. I identified myself and asked her if her social security number was ~~555-555-5555~~. Gapsch said it was and asked

Written By:  Inspector Philip Venable	Date: 5/22/2006
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Continuation/Supplemental Report

Supplemental	
Continuation	X


Subject / Defendant: Oberle, Donald	Docket / Report No. 05-12-336
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how I got her social security number. I explained how it came to my attention and asked if she ever knew a subject by the name of Dominick Borlini. Gapsch said she did not know a subject by that name. Gapsch also told me she had been turned down several times by credit card companies over the past couple of years and wondered why she could not get a credit card. I explained to her the number of collections and charge-offs there were on Borlini's credit report.

I asked Gapsch if she had lost her purse or had any identification stolen. Gapsch said it is possible one her children got access to her identification because she had trouble with them while they were in high school and she noticed her purse had been rifled several time. Gapsch said that was about 5 years ago when that happened. She said her children are in their early 20s and living elsewhere now.

Gapsch could not give me any more information and said other than the fact she could not get a credit card for the past couple of years, she had not noticed any thing unusual with regard to her credit. I gave Gapsch the fraud phone numbers to the major credit bureaus and asked her to send for her credit reports, then send me copies when she gets them. I also asked her to contact her local police agency and file an identity theft report with them. Gapsch said she would.

On 12-9-05 I received a copy of the Cingular phone bill for phone number ~~99-111-1111~~, subscriber name Dominick Borlini. The bill was sent to me by Samsara. I examined the bill and found the time period of the bill was 4-21-04 to 5-20-04. The bill showed the subscriber to be Dominick Borlini with a billing address of ~~1111111111111111~~, Concord. Samsara told me her old cell phone number during the time period of the bill was ~~999-111-1111~~. I found the number listed several times as either the incoming call, or as an outbound call. Samsara said she has never known a Dominick Borlini.

Written By:  Inspector Philip Venable	Date: 5/22/2006
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Continuation/Supplemental Report

Supplemental	
Continuation	X

Subject / Defendant: Oberle, Donald	Docket / Report No. 05-12-336
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On 12-12-05 I received a police report from the University Place Police Dept. The report was of an Identity Theft case reported by Gapsch on 11-30-05 and referenced my report. There was no new information in the report. The report number is 053340483.1 written by Officer Robinson.

I made attempts to call Oberle via his cell phone number, however the calls were routed to voice mail.

On May 3, 2006, I received information from a subject by the name of John Brosnan, who is a friend of Samsara Oberle's, that a police report had been written in Oct 2005 when Samsara found a person staying in the residence she and Oberle owned in Orinda. Samsara said Oberle was contacted by the police regarding that report and he may have given the cell phone number as a contact number to the police.

I looked up calls for service to the residence, located at [REDACTED], and found two reports written by the Orinda Police Dept. The first was report #05-28092, written on 10-15-05, in which Samsara went to the residence and found a female subject inside. The officer, Orinda PD officer N. McCormack, called Oberle using cell phone number 925-323-8013 to confirm the female subject had permission to stay at the residence. The phone number was listed in the report as a contact number for Oberle.

The second report was a suspicious circumstance report filed by Oberle on 8-28-05, and written by Orinda PD officer D. Kimball. Oberle said his contact number was 925-323-8013.

Based on the phone records from Cingular Wireless and the police reports showing Oberle using cellular phone number-925-323-8013, which was activated by Dominic Borlini using the social security number of Kimberly Gapsch, I believe Oberle is Borlini and committed the crime of Identity Theft by using Gapsch's social security number to bypass the credit check processes

Written By: 
Inspector Philip Venable


Date: 5/22/2006

Continuation/Supplemental Report

Supplemental	
Continuation	X

Subject / Defendant: Oberle, Donald	Docket / Report No. 05-12-336
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at Pacific Bell Mobile Services (which Cingular was known as when the account was activated).

Written By:  Inspector Philip Venable	Date: 5/22/2006
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**COUNTY OF CONTRA COSTA,
STATE OF CALIFORNIA**

NO. M06-019

RETURN TO SEARCH WARRANT

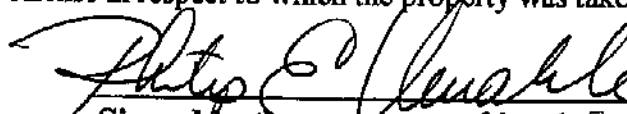
The property or things listed below (or on the attachment hereto) was taken from Cingular Wireless, 4420 Rosewood Dr, Pleasanton, Ca 94588 pursuant to the Search Warrant dated the 12 day of Jan, 2006, issued by Judge Canepa

subscriber information for cell phone number ~~925-222-1115~~ including billing addresses, date and method of activation, including credit information.

☐ In addition to the above listed items, the seizure of which was commanded by the Search Warrant, items were seized which were not listed on the Search Warrant. A listing of them is attached hereto.

I, Inspector Philip Venable by whom this Warrant was served, do swear that the above and/or the attached inventory/inventories contain(s) a true and detailed account of all the property taken during the service of this Search Warrant.

All the property seized which was listed on the Search Warrant will be retained in my custody subject to order of this or any other court in which the offense in respect to which the property was taken is triable.


Signed in the presence of issuing Magistrate

Given under my hand and dated

this 1 day of FEB, 2006.

Judge of the Superior Court, Magistrate Judicial District.

-Leave 1 copy at place searched

-Within 10 days of ISSUANCE of Warrant, swear to original before issuing Magistrate who will file with clerk:

-1copy for police file

RETURN TO SEARCH WARRANT
LIST SEIZED ITEMS NAMED ON SEARCH WARRANT

COUNTY (TIES) OF Contra Costa, STATE OF CALIFORNIA**SEARCH WARRANT**

No. MO6-019

The People of the State of California, to any sheriff, constable, marshal, police officer or peace officer in the County(ies) of Contra Costa: PROOF by affidavit having been made before me this day by Inspector Philip Venable that there is probable cause to believe the **property** and/or **thing(s)** and/or **person(s)** described herein may be found at the location(s) set forth and that the following provisions of California Penal Code Section 1524 are applicable:

- ☐ the property was stolen or embezzled - Penal Code 1524(a)(1).
- ☐ the property or thing(s) were used as the means of committing a felony - Penal Code 1524(a)(2).
- ☐ the property or thing(s) are in the possession of any person with the intent to use it as a means of committing a public offense; OR are in the possession of another to whom he or she may have delivered it for the purpose of concealing it or preventing it from being discovered - Penal Code 1524(a)(3).
- ☒ the property or thing(s) consist of any item or constitutes any evidence that tends to show a felony has been committed or tends to show that a particular person has committed a felony - Penal Code 1524(a)(4).
- ☐ the property or things consist of evidence which tends to show that sexual exploitation of a child in violation of Section 311.3, or possession of matter depicting sexual conduct of a person under the age of 18 years in violation of 311.11, has occurred or is occurring - Penal Code 1524(a)(5).
- ☐ an arrest warrant is outstanding for the person to be seized - Penal Code 1524(a)(5).
- ☐ because this is a search for documentary evidence which is in the possession or under the control of a lawyer, physician, psychotherapist or clergyman who is not a suspect in the criminal activity to which the documentary evidence being sought relates, the Special Master provisions are applicable - Penal Code 1524(c).

YOU ARE THEREFORE COMMANDED TO SEARCH:

THE PREMISES located at and described as: a business: Cingular Wireless, 4420 Rosewood Dr, Pleasanton, Ca 94588

including basements, attics, storage spaces, appurtenant buildings, the surrounding grounds, and all containers therein and thereon which could contain any of the items sought. ~~Strike out inapplicable words~~

THE CONTAINER(S) located at and described as:

including the passenger compartment, storage areas such as trunk and glove box, and any containers within the vehicle(s) which could contain any of the items sought. ~~Strike out inapplicable words~~

THE PERSON(S) of:

FOR THE FOLLOWING PROPERTY, THINGS AND/OR PERSON(S)

☐ listed in Exhibit # _____ attached.

☒ listed below: Subscriber information for phone number ~~XXXXXXXXXX~~.

Account history of ~~XXXXXXXXXX~~ to include all billing addresses, date of activation, method of activation, and all information provided at time of activation including credit history run at time of activation.

The Attachments indicated below are incorporated into this Affidavit by reference and by physical attachment as though set forth here word-for-word; probable cause contained in:

☒ Narrative Statement Of Probable Cause.

☐ The following listed official police reports and records; and documents, exhibits and photographs: ~~Strike out inapplicable words~~

☒ Statement(s) of expertise and opinion:

I/we have reasonable cause to believe that grounds exist for the issuance of a search warrant based on the content of this affidavit which includes the above-referenced attachments, and pray that a search warrant be issued.

I/we certify (or declare) under penalty of perjury under the laws of the State of California that the information in this Affidavit is true and correct:

Philip E. Venable
Affiant

Affiant

Subscribed to and sworn before me this 12 day of JAN, 2006, at 0901 AM PM

James J. Hargis
Magistrate's Signature

Judge of the

Superior
Name (level) of Court

Court

Central District
Judicial District if Applicable

FILED

FILED

2006 FEB -1 A 9:08

FILED

COUNTY (TIES) OF Contra Costa, STATE OF CALIFORNIA

AFFIDAVIT FOR SEARCH WARRANT

No. 1106-019



and AFFIDAVIT FOR RAMEY ARREST WARRANT (817 P.C.)

On the basis of his/her personal knowledge and on the basis of other information contained in the attachments hereto, Inspector Philip Venable (Affiant(s) being duly sworn, deposes and says that there is probable cause to believe the property and/or thing(s) and/or person(s) described herein may be found at the location(s) set forth and that the following provisions of California Penal Code Section 1524 are applicable:

- ☐ the property was stolen or embezzled - Penal Code 1524(a)(1).
- ☐ the property or thing(s) were used as the means of committing a felony - Penal Code 1524(a)(2).
- ☐ the property or thing(s) are in the possession of any person with the intent to use it as a means of committing a public offense; OR are in the possession of another to whom he or she may have delivered it for the purpose of concealing it or preventing it from being discovered - Penal Code 1524(a)(3).
- ☒ the property or thing(s) consist of any item or constitutes any evidence that tends to show a felony has been committed or tends to show that a particular person has committed a felony - Penal Code 1524(a)(4).
- ☐ the property or things consist of evidence which tends to show that sexual exploitation of a child in violation of Section 311.3, or possession of matter depicting sexual conduct of a person under the age of 18 years in violation of 311.11, has occurred or is occurring - Penal Code 1524(a)(5).
- ☐ an arrest warrant is outstanding for the person to be seized - Penal Code 1524(a)(5).
- ☐ because this is a search for documentary evidence which is in the possession or under the control of a lawyer, physician, psychotherapist or clergyman who is not a suspect in the criminal activity to which the documentary evidence being sought relates, the Special Master provisions are applicable - Penal Code 1524(c).

and requests the issuance of a warrant to search:

THE PREMISES located at and described as: a business: Cingular Wireless, 4420 Rosewood Dr, Pleasanton, Ca 94588

including basements, attics, storage spaces, appurtenant buildings, the surrounding grounds, and all containers therein and thereon which could contain any of the items sought. ~~Strike out inapplicable words~~

THE CONTAINER(S) located at and described as:

THE VEHICLE(S) described as:

FILED
JAN 12 A 9 10
CH

THE VEHICLE(S) described as:

including the passenger compartment, storage areas such as trunk and glove box, and any containers within the vehicle(s) which could contain any of the items sought. Strike out inapplicable words

THE PERSON(S) of:

FOR THE FOLLOWING PROPERTY, THING(S) and/or PERSON(S)

☐ listed in Exhibit # , attached.

☒ listed below: Subscriber information for phone number ~~925-323-8013~~
Account history of 925-323-8013 to include all billing addresses, date of activation, method of activation, and all information provided at time of activation including credit history run at time of activation.

and to seize such person(s), and/or property and/or things or any part thereof and to retain such property and/or thing(s) in your custody subject to order of a competent court pursuant to Penal Code section 1536.

NIGHT-TIME Service: Good cause having been shown by Affidavit, you may serve this warrant at any time of the day or night when my initials are here —

GIVEN under my hand this 12th day of January, 2006, at 9:00 AM PM.
[Signature] Judge of the Superior Court
Magistrate's Signature Name (level) of Court
[Signature]
Judicial District If Applicable

STATEMENT OF TRAINING AND EXPERTISE

I, Philip Venable, am a duly sworn and qualified Peace Officer in the State of California and the County of Contra Costa. I have been employed by the Sheriff's Office twice, from Feb 1984 to Jan 1997, and again since April of 2002. I have been assigned to Detention Division, Patrol Division and on Feb 2, 2004, was assigned to the Contra Costa County Office of the District Attorney, Special Operations Division.

During the period from July, 1994, to Jan 1997, I was assigned to the Sheriff's Office Investigations Bureau. I investigated general felony crimes within my assigned geographical area, and all High Technology Crimes within the county. I investigated approximately 10 cellular telephone fraud cases, 3 computer access cases, 2 identity theft cases, 1 child pornography case. All of those cases involved the use of computer forensics to retrieve evidence from the computers used to facilitate or commit the crimes.

Since being assigned to the District Attorney's Office I have used computer forensics to acquire and retrieve evidence from 50 hard drives pursuant to signed search warrants. I have investigated 1 hacker case, 5 child pornography cases, 7 Real Estate Fraud cases, 6 Internet fraud cases, 2 Embezzlement cases, 10 consumer/financial fraud/forgery cases, 1 Internet pedophile case, 1 internet sex for hire case, and assisted in 5 Homicide cases, using computer forensics and/or cell phone examinations to search for, and retrieve, evidence.

I have examined and conducted data dumps on 10 cell phones related to investigations I was conducting, or as part of the officer involved protocol.

During the period from Feb 1997 to April 2002, I was employed by SBC Communications. From Jan 1997 to Dec 1997 I was the Security Manager for Pacific Bell Mobile Services. I was responsible for maintaining security of both the physical properties and the network infrastructure. I developed the security plans for all PBMS buildings and retail outlets. I developed the procedures for product distribution, network access, and notification processes in the event of network intrusion, fraud or theft. I worked approximately 40 fraud and theft cases (internal and external). I was on the committee to develop techniques to comply with CALEA for Pacific Bell Mobile Services. This included how lawful intercepts were to be conducted on the network and how we were going to supply requested data to law enforcement.

In Dec 1997 I was transferred into the SBC Asset Protection unit. I investigated cases of employee misconduct. I was part of the executive protection group and trained in electronic counter surveillance, and lawful intercepts of both wireless and wireline telephone communication..

In Aug 1999 I transferred to Network Operation at SBC where I supervised telephone repair technicians whose primary responsibility was maintenance and repair of the telephone infrastructure.

FORMAL EDUCATION:

Associate of Science degree in Police Science, Mt San Antonio College, Walnut, Ca (1976)

FORMAL SPECIALIZED TRAINING:

Basic Criminal Investigations Course, Robert Pressley Institute, Sacramento, 1995 80 hours

Law Enforcement Training Instructor Course, Robert Pressley Institute, Los Angeles, 1995 40 hrs

Basic Police Academy, Sacramento County Sheriff's Department, which included training in basic criminal investigation and evidence collection, 666 hours.

Basic Traffic Accident Investigation school, Los Medanos College, 1986, 40 hours

Drug and Alcohol Recognition Training, 1986, 8 hours

Computer Crime, SEARCH, Sacramento, 1995 40 hrs

Computer Forensics, SEARCH, Sacramento, 1996 40 hrs

Internet Crime, SEARCH, 1996 40 hrs

Basic Interview & Interrogation School, Santa Rosa 1987 40 hours

Electronic Counter Surveillance, SBC, 1998, 40 hrs

Internet Crime Investigation, Calif Dept of Justice, Napa, 2004 40 hrs

EnCase Introduction to Computer Forensics, Pasadena, Ca, 2004 32 hours

Writing Search Warrants, DOJ, 1995 24 hours

Real Estate Fraud, Calif District Attorneys Assoc, 2004, 24 hours

AREAS OF EXPERTISE:

Wireless Communications obtained through on-the-job training with Pacific Bell Mobile Services

Computer Crime and Computer Forensics

Lawful Intercepts on wireless and wireline telephone systems

I have written approximately 64 search warrants for subscriber information and call records to ISPs and telecommunication companies while serving in a law enforcement capacity.

I have reviewed, and complied with, over 200 search warrants for the same information from law enforcement while employed by SBC.

1. DR No. 05-23482		2. City Code ORI 78		3. Crime/Classification Suspicious Circumstances (1732)		4. Detail 1. 1732 2.		5. More Persons <input type="checkbox"/>	
6. Day / Date / Time of Occurrence SUNDAY / 8/28/2005 / 0200				7. Date / Time Reported 8/28/2005 / 1239		8. Employee No. 33803		9. Reclassification <input type="checkbox"/>	
10. Address / Location of Occurrence 89 Oak Rd. Orinda									
11. <input checked="" type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER									
12. Name (L, F, M) OBERLE, Donald Patrick						13. Race / Sex / Age W / M / 39		14. DOB 2/12/1966	
15. Address (Zip Code) 89 Oak Rd. Orinda 94583						16. Home Phone		17. Driver License No.	
18. Employed By or School						19. Work Phone		20. Social Security No.	
21. Hair BLK		22. Eyes BLU		23. Ht. 6' 0"		24. Wt. 170		25. AKA / Maiden Name	
26. Further Description (Scars, Tattoos, Markings, Clothing, Etc.)								27. Booking or Cite No.	
28. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER									
29. Name (L, F, M)						30. Race / Sex / Age		31. DOB	
32. Address (Zip Code)						33. Home Phone		34. Driver License No.	
35. Employed By or School						36. Work Phone		37. Social Security No.	
38. Hair		39. Eyes		40. Ht.		41. Wt.		42. AKA / Maiden Name	
43. Further Description (Scars, Tattoos, Markings, Clothing, Etc.)								44. Booking or Cite No.	
45. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER									
46. Name (L, F, M)						47. Race / Sex / Age		48. DOB	
49. Address (Zip Code)						50. Home Phone		51. Driver License No.	
52. Employed By or School						53. Work Phone		54. Social Security No.	
55. Hair		56. Eyes		57. Ht.		58. Wt.		59. AKA / Maiden Name	
60. Further Description (Scars, Tattoos, Markings, Clothing, Etc.)								61. Booking or Cite No.	
62. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER									
63. Vch / Yes <input type="checkbox"/> S <input type="checkbox"/> Vict		64. Lic No (State)		65. Year		66. Make		67. Model	
68. Status <input type="checkbox"/> Left <input type="checkbox"/> Impound <input type="checkbox"/> Stored		69. Registered Owner		70. R.O. Address		71. Body Style		72. Color Top Bottom	
73. F / P <input type="checkbox"/> Yes <input type="checkbox"/> No		74. Dispo of Evidence <input type="checkbox"/> Yes <input type="checkbox"/> No		75. Missing <input type="checkbox"/> Yes <input type="checkbox"/> No		76. Damaged \$50.00		77. Who has Keys?	
78. Brief Synopsis of Incident									
<p>The PRI reported being awoken by his dog barking at 0200. The dog sleeps in the bedroom and was barking towards the stairs leading down to the main part of the home. The PRI did not go down and check the house at that time. It was only after he got up this morning and went down that he saw the window in the kitchen partway slid open and the screen bent from someone prying on it. Nothing was missing from the home according to the PRI.</p> <p>I checked the outside of the home and the kitchen window. I found the area of the screen that was bent was out of my reach. I found no signs where an object had been placed on the ground to stand on in an attempt to enter via the kitchen window. The base of the window is approx. 5 feet above the ground. I did remove the screen and process it for prints with negative results.</p> <p>There is no evidence that anyone had tried to enter or did enter the home.</p>									
80. Distribution <input type="checkbox"/> S <input type="checkbox"/> C <input checked="" type="checkbox"/> DA <input type="checkbox"/> DE <input type="checkbox"/> L <input type="checkbox"/> O <input type="checkbox"/> SR <input type="checkbox"/> V <input type="checkbox"/> Investigation <input type="checkbox"/> Vice <input type="checkbox"/> Narcotics <input type="checkbox"/> Juv <input type="checkbox"/> Coronor <input type="checkbox"/> Property Clk <input type="checkbox"/> AOS <input type="checkbox"/> Intell. <input type="checkbox"/> R.O. <input type="checkbox"/> SHC <input type="checkbox"/> Patrol Captain <input type="checkbox"/> Compl.Off. <input type="checkbox"/> Marine Patrol <input type="checkbox"/> CV Unit <input type="checkbox"/> Other						81. Additional Routing 82. Reporting Deputy (Print) D. KIMBALL 83. Date/Time Written 8-29-2005 / 1030 84. Dispo SUS 85. Approving Supv (Print) Keith Chelini 86. Supv No. 50991 87. Date 9-7-05 88. 1 of 1			

1. DR No: 05-28092		2. City Code ORI/78		3. Crime/Classification Civil (1734)		4. Detail 1. 1734 2.		5. More Persons <input type="checkbox"/>			
6. Day / Date / Time of Occurrence FRIDAY /10-14-05 /1423 hrs				7. Date / Time Reported 10-14-05 /1423		8. Employee No. 61364		9. Reclassification <input type="checkbox"/>			
10. Address / Location of Occurrence 89 Oak Rd Orinda											
11. <input checked="" type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER											
12. Name (L, F, M) Oberle, Samsara Willow					13. Race / Sex / Age W / F /33		14. DOB 3-6-72		15. Driver License No. [REDACTED]		
16. Address (Zip Code) [REDACTED]					17. Home Phone [REDACTED]						
18. Employed By or School					19. Work Phone [REDACTED]						
20. Hair BRO		21. Eyes BRO		22. Ht. 5-6		23. Wt. 125		24. AKA / Maiden Name		25. Social Security No.	
26. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)										27. Booking or Cite No.	
28. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input checked="" type="checkbox"/> OTHER											
29. Name (L, F, M) Oberle, Donald Patrick					30. Race / Sex / Age W / M /39		31. DOB 2-12-66		32. Driver License No. [REDACTED]		
33. Address (Zip Code) 89 Oak Rd Orinda 94563					34. Home Phone						
35. Employed By or School					36. Work Phone [REDACTED]						
37. Hair BLK		38. Eyes BLU		39. Ht. 6-0		40. Wt. 170		41. AKA / Maiden Name		42. Social Security No.	
43. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)										44. Booking or Cite No.	
45. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input checked="" type="checkbox"/> OTHER											
46. Name (L, F, M) Woodbury, Amy Grace					47. Race / Sex / Age W / F /29		48. DOB 12-1-75		49. Driver License No. [REDACTED]		
50. Address (Zip Code) [REDACTED]					51. Home Phone						
52. Employed By or School					53. Work Phone						
54. Hair BLN		55. Eyes GRN		56. Ht. 5-7		57. Wt. 100		58. AKA / Maiden Name		59. Social Security No.	
60. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)										61. Booking or Cite No.	
62. Veh / Vos <input type="checkbox"/> S <input type="checkbox"/> Vict		63. Lic No. (State)		64. Year		65. Make		66. Model		67. Body Style	
68. Color Top Bottom		69. Status <input type="checkbox"/> Left <input type="checkbox"/> Impound <input type="checkbox"/> Stored									
70. Registered Owner		71. R.O. Address									
72. Towed to or Released to		73. Who has Keys?									
74. Evid <input type="radio"/> Yes <input checked="" type="radio"/> No		75. F / P <input type="radio"/> Yes <input checked="" type="radio"/> No		76. Dispo of Evidence N/A		77. Missing N/A		78. Damaged N/A		79. Brief Synopsis of Incident	
<p>Samsara Oberle requested a welfare check at [REDACTED] to check on an ill woman who is at the house. Samsara told dispatch she and her husband are divorcing and they both own the residence. I called Samsara and she said she has moved out of [REDACTED] in Sept. 2004. Samsara said she went there today because she was concerned that Donald did not come to court on 10-12-05 and she was concerned. She also said there was a restraining order against her to stay 100 yards from her husband, but it was expired. I went to 89 Oak Rd. Samsara was there. I checked with records and was unable to locate any current R/O information. I found Amy Woodbury in the house. She said she had the flu, but did not need medical attention. She said she was house sitting for Donald. I contacted Donald by phone. He was in Los Angeles. He said Woodbury was house sitting with his permission. He said there is a restraining order against his wife and she is not to be at his house. I could not confirm the restraining order. Samsara left the residence without incident.</p>											
80. Distribution <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> DA <input type="checkbox"/> DE <input type="checkbox"/> L <input type="checkbox"/> O <input type="checkbox"/> SR <input type="checkbox"/> V <input type="checkbox"/> Investigation <input type="checkbox"/> Vice <input type="checkbox"/> Narcotics <input type="checkbox"/> Juv <input type="checkbox"/> Coroner <input type="checkbox"/> Property Ck. <input type="checkbox"/> ACS <input type="checkbox"/> Intell. <input type="checkbox"/> R.O. <input type="checkbox"/> SHC <input type="checkbox"/> Patrol Captain <input type="checkbox"/> Compl. Ofc. <input type="checkbox"/> Marine Patrol <input type="checkbox"/> DV Unit <input type="checkbox"/> Other						81. Additional Routing					
82. Reporting Deputy (Print) N. McCormack						83. Date/Time Written 10-15-05 0800		84. Dispo CLR			
85. Approving Supv (Print) Keith Chelini						86. Supv No. 50891		87. Date 10-15-05		88. 1 of 1	

☐ Continuation

CONTRA COSTA COUNTY SHERIFF'S DEPARTMENT CA0070000

Beat 82

☒ Supplemental

P.O. Box 391, Martinez, CA 94553-0039

☐ DV ☐ HRD ☐ Arrest ☐ SI

1. DR No. 05-28092	2. City Code ORI/78	3. Crime / Classification Civil (1734)	4. Detail 1. 1734 2.	5. Reclassification
6. Victim Name (L,F,M) Oberle, Donald Patrick		7. Date Orig. Report 10-21-05	8. Employee No.	
9. Address / Location of Occurrence 89 Oak Rd Orinda		10. Suspect's Name (L,F,M) Oberle, Samsara Willow		

11. Property Description:
Impounded, Recovered, Found, Lost, Stolen - Item Number, Article, Quantity, Brand/Make/Manufacturer's Model Number, Serial Number, Miscellaneous Description, Location Where Taken, Value. Include Total Loss - LIST IN FOLLOWING ORDER: A) Currency; Notes: B) Jewelry; C) Furs; D) Vehicles; E) Office Equipment; F) Radio, TVs etc.; G) Firearms; H) Household Goods; I) Misc.

12. Recovered Property & 13. Narrative / Statements

On 10-21-05, Off. Kelly gave me a copy of a domestic violence restraining order protecting Donald Oberle and restraining Samsara Oberle. The order was signed Oct. 12, 2005. I checked the order in CLETS and found the order had not been served. I contacted warrants and confirmed the order was not served.

I called Samsara Oberle at the phone number she provided to me on 10-14-05. Samsara answered the phone and stated she was Samsara Oberle. I informed her there was a restraining order against her protecting her husband Donald Oberle. I told her the terms include she is not to be within 100 yards of Donald Oberle, his residence or his work. Oberle stated the residence at 89 Oak Rd is not Donald's residence so the order does not apply to that house. I informed her that Donald states it is his residence and she could be subject to arrest for violation of the restraining order if she returns to that address or within 100 yards of Donald Oberle. I encouraged Samsara to contact her attorney for legal advice.

I could not provide ~~per state~~ service of the restraining order to Samsara Oberle at this time.

14. Distribution
☐ B ☐ C ☐ CA ☐ DE ☐ L ☐ O ☐ SR ☐ V
☐ Investigation ☐ Vion ☐ Narcotics ☐ Juv ☐ Coroner
☐ Property Clk ☐ ACS ☐ Intell. ☐ R.G. ☐ SHC
☐ Patrol Captain ☐ Compl. Ofc. ☐ Marine Patrol ☐ DV Unit
☒ Other

15. Additional Routing

16. Reporting Deputy (Print)

N. McCormack

17. Date/Time Written

10-21-05 0857

18. Dispo

CLR

19. Approving Supv (Print)

[Signature]

20. Sign No.

50991 10-21-05

22. Page

1 of 6

DV-125

Reissue Temporary Restraining Order

Clerk stamps below when form is filed.

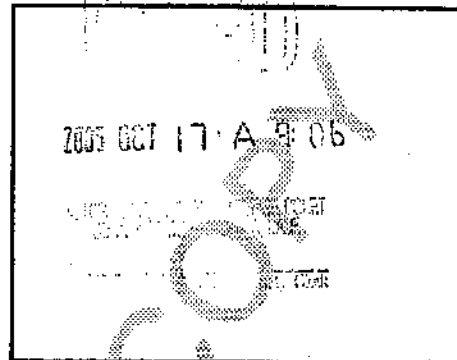
- 1 Name of person asking for protection (protected person):
Donald Patrick Oberle

Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):
89 Oak Road

City: Orinda State: CA Zip: 94563-3322

Phone # (optional): (925) [REDACTED]

Protected person's lawyer (if any): (Name, address, phone #, and State Bar #):



Court name and street address:

Superior Court of California, County of Contra Costa, Peter L. Spinetta Family Law Center
751 Pine Street, Martinez, CA 94553

- 2 Restrained person's name:
Samsara Willow Oberle

Description of that person: Sex: ☐ M ☒ F Ht.: 5' 6"

Wt.: 135 Race: Caucasian Hair Color: Brown

Eye Color: Brown Age: 33 Date of Birth: 3/06/72

Case Number:

FLMSD04-04657

- 3 I ask the judge to reissue the Temporary Restraining Order, Form DV-110.

a. The last hearing date was (date): 9/29/03

b. The order has been reissued one times.

- 4 I ask the judge to reissue the order because:

a. ☐ I could not get the order served before the hearing date.

b. ☐ The date of the hearing was changed because we were sent to mediators or other family court services.

c. ☒ Other (specify): The Judge has set a hearing date beyond 10/12/05 to 11/16/05.

This document is a correct copy of the original filed in this office.

ATTEST: 17 2005

By [Signature]
Deputy Clerk

- 5 I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: 10/10/05

Donald Patrick Oberle

Type or print your name

Sign your name

This is a Court Order.

Clerk will fill out section below.

The order listed in 3 is reissued and reset for hearing in this court on the date and time below. Unless a judge extends the time, the order will end on the date and time below.

Hearing Date

Date: 11-16-05

Time: 9:30 am

Name & address of court if different from above:

Dept.: 9

Rm.: _____

All other orders in the Temporary Restraining Order stay in effect unless this order changes them.

Date: OCT 12 2005

[Signature]
Judge (or Judicial Officer)

DV-110

Temporary Restraining
Order and Notice of Hearing

- ① Name of person asking for protection (protected person):
DONALD PATRICK OBERLE

Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):
89 Oak Road

City: Orinda State: CA Zip: 94563-3322

Telephone number: [REDACTED]

Protected person's lawyer (if any): (Name, address, telephone number, and State Bar number):
DONALD P. OBERLE, In pro per

89 Oak Road
Orinda, California 94563-3322

- ② Restrained person's name:
SAMSARA WILLOW OBERLE

Description of that person: Sex: ☐ M ☒ F Height: 5' 6"
Weight: 135 Race: Caucasian Hair Color: Brown
Eye Color: Brown Age: 33 Date of Birth: 03/06/72

- ③ List the full names of all family or household members protected by this order:

- ④ Court Hearing Date (Fecha de la Audiencia)

Clerk will fill out section below.

Hearing
Date

Date: 9-29-05 Time: 8:30
Dept.: 00 Rm.: [REDACTED]

Name and address of court if different from above:

751 PINE ST.
MARTINEZ, CA

To the person in ②: At the hearing, the judge can make restraining orders that last for up to 3 years. The judge can also make other orders about your children, child support, spousal support, money, and property. At the hearing, you can tell the judge that you do not want the orders against you. Even if you do not attend the hearing, you must obey the orders.

Para la persona nombrada en ②: En esta audiencia el juez puede hacer que la orden de restricción sea válida hasta un máximo de 3 años. El juez puede también hacer otras órdenes acerca de niños, manutención, dinero y propiedad. Si Usted se opone a estas órdenes, vaya a la audiencia y dígaselo al juez. Aunque no vaya a la audiencia, tiene que obedecer estas órdenes.

To the person in ①: At the hearing, the judge will consider whether denial of any orders will jeopardize your safety and the safety of children for whom you are requesting custody visitation and child support. Safety concerns related to your financial needs and the children's will also be considered.

- ⑤ Temporary Orders (Ordenes Temporales)

Any orders made in this form end at the time of the court hearing in ④, unless a judge extends them. Read this form carefully. All checked boxes ☒ and items 10 and 11 are court orders.

Todas las órdenes hechas en esta formulario terminarán en la fecha y hora de la audiencia en ④, al menos que un juez las extienda. Lea este formulario con cuidado. Todas las casillas marcadas ☒ y artículo 10 son órdenes de la corte.

This is a Court Order.

Clark stamps date here when form is filed

FILED

2005 SEP -6 P 3:03

K. TOFFI, CLERK OF THE SUPERIOR COURT
COUNTY OF CONTRA COSTA, CALIF.

BY: [REDACTED]

Fill in court name and street address:

Superior Court of California, County of
Contra Costa
751 Pine Street
Martinez, California 94553
PETER L. SPINETTA FAMILY
LAW CENTER

Clark fills in case number:

Case Number:
FLMSD04-04657

Contra
Costa
Superior
Court

Case Number:

FLMSD04-04657

Your name: DONALD PATRICK OBERLE

6 ☒ **Personal Conduct Orders**The person in **(2)** must *not* do the following things to the protected people listed in **(1)** and **(3)**:

- a. ☒ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. ☒ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail
- ☐ Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise

Peaceful written contact through a process server or another person to serve legal papers is allowed and does not violate this order.

7 ☒ **Stay-Away Order**The person in **(2)** must stay at least 100 yards away from:

- a. ☒ The person listed in **(1)**
- b. ☒ The people listed in **(3)**
- c. ☒ Home ☒ Job ☒ Vehicle of person in **(1)**
- d. ☐ The children's school or child care
- e. ☐ Other (specify): _____

8 ☐ **Move-Out Order**The person in **(2)** must take only personal clothing and belongings needed until the hearing and move out immediately from (address): _____**9** ☐ **Child Custody and Visitation Order**

- a. ☐ You and the other parent must make an appointment for court mediation (address and phone number): _____
- b. ☐ Follow the orders listed in Form DV-140, which is attached.

10 **No Guns or Other Firearms**The person in **(2)** cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.**11** **Turn in or sell guns or firearms:**The person in **(2)**:

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 24 hours of receiving this order.
- Must bring a receipt to the court within 72 hours of receiving this order, to prove that guns and firearms have been turned in or sold.

12 ☒ **Property Control**Until the hearing, *only* the person in **(1)** can use, control and possess the following property and things: real property at 89 Oak Road, Orinda, California (protected person's separate property)

This is a Court Order.

Revised July 1, 2005

Temporary Restraining Order
and Notice of Hearing (CLETS—TRO)
 (Domestic Violence Prevention)

DV-110, Page 2 of 6



Nm 5 OF 6

Case Number:

FLMSD04-04657

Your name: DONALD PATRICK OBERLE

(13) ☒ Property Restraint

If the people in (1) and (2) are married to each other or are registered domestic partners, they must not transfer, borrow against, sell, hide, or get rid of or destroy any property, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court.

(14) ☒ Record Unlawful Communications

The person in (1) can record communications made by the person in (2) that violate the judge's orders.

(15) No Fee to Notify

If the sheriff or marshal serves this order, he or she will do it for free.

(16) ☒ Other Orders (specify):

Contra Costa Superior Court

(17) If the judge makes a restraining order at the hearing, which has the same orders as in this form, the person in (2) will get a copy of that order by mail at his or her last known address. (Write restrained person's address here):

2037 San Antonio Avenue, Alameda, California 94501-4217

If this address is not correct, or to know if the orders were made permanent, contact the court.

(18) ☒ Time for Service**A To: Person Asking for Order**

Someone 18 or over—not you or the other protected people—must personally “serve” a copy of this order to the restrained person at least 10 days before the hearing.

B To: Person Served With Order

If you want to respond in writing, someone 18 or over—not you—must “serve” Form DV-120 on the person in (1), then file it with the court at least 5 days before the hearing.

Date: 9/6/05 For help with Service or answering, read Form DV-210 or DV-540.

[Signature]
Judge (or Judicial Officer)

Certificate of Compliance With VAWA

This temporary protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.

This is a Court Order.

Revised July 1, 2005

**Temporary Restraining Order
and Notice of Hearing (CLETS—TRO)
(Domestic Violence Prevention)**

DV-110, Page 3 of 5

→

NM 6066

MASTER NAME FILE
Contra Costa, County of

Name	DOB	S	R	Hgt	Wgt	Hai	Eye	MNI
OBERLE, DONALD PATRICK	02-12-1966	M	W	600	170	BLK	BLU	
89 OAK RD, ORI, CA								

OLN/OLS	CIN	SSN	SID	FBI	JID	Alias	MNI

Alias	DOB	SR	Aliases	Agan
OBERLE, DONALD PATRICK	02-12-1986	MW		SP

Citation No	Date	Invl	Violation	Agan
3301432228	08-15-2003	CIT	EXCESSIVE SPEED - PRIMA FACIE	SP
2500636563	05-31-1996	CIT	STOP SIGN - STOP AT LIMIT LIN	SP
2500519207	12-09-1994	CIT	EXCESSIVE SPEED - PRIMA FACIE	SP

Report No	Date	Invl	Related Activity	PRN	Agan
940004419	02-14-1994	SUS	CVC, RECKLESS DRIVING	0246342	SP
050028092	10-14-2005	OTH	SUSPICIOUS CIRCUMSTANCES	1173384	SP
050023482	08-28-2005	PRI	SUSPICIOUS CIRCUMSTANCES	1162361	SP

CONT ***CONTINUATION***

MASTER NAME FILE
Contra Costa, County ofVehicle Information

Black 1986 Porsche coupe, 2 door with license 2SIK002/CA. Cited on 12-09-1994 in Citation No 2500519207.

Burgundy 1986 Porsche coupe, 2 door with license BLINE/CA. Cited on 05-31-1996 in Citation No 2500636563.

Silver/aluminum 1999 Mercedes Benz coupe, 2 door with license LUVUBERB/CA. Cited on 08-15-2003 in Citation No 3301432228 (agency SP).

Reference #	Date	Typ	Address	MSGK Agen
050028092	11-07-2005		89 OAK RD, ORI, CA	PER6 SP
050023482	09-21-2005		89 OAK RD, ORI, CA	PER6 SP
3301432228	08-19-2003		1670 RIVIERA AV ST 300, WALNUT CREEK	CITE SP
2500636563	04-11-1997		1356 MUSTANG, DAN	CITE SP
2500519207	04-03-1995		3048 SOMBRERO, SRA	CITE SP

CONT ***CONTINUATION***

MASTER NAME FILE
Contra Costa, County of

Reference #	Date	Typ	Phone Number	Phones	MSGK	Agen
050023482	09-21-2005	H	(925) [REDACTED]		PER6	SP
050028092	11-07-2005	B	(925) [REDACTED]		PER6	SP
940004419	08-31-1995	H	[REDACTED]		PER6	SP

CONT ***CONTINUATION***

DV-125**Reissue Temporary Restraining Order**

Clerk stamps below when form is filed.

2005 OCT 17 A 9:06

K. TORRE, CLERK OF THE COURT
COUNTY OF CONTRA COSTA, CALIF.

Clerk

Court name and street address:

Superior Court of California, County of
Contra Costa, Peter L. Spinetta Family
Law Center
751 Pine Street, Martinez, CA 94553

Case Number:

FLMSD04-04657

This document is a correct copy
of the original on file in this office.

ATTEST: OCT 17 2005

K. TORRE, CLERK OF THE COURT
SUPERIOR COURT OF CALIFORNIA,
COUNTY OF CONTRA COSTA

- 1 Name of person asking for protection (protected person):
Donald Patrick Oberle
- Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):
89 Oak Road
- City: Orinda State: CA Zip: 94563-3322
- Phone # (optional): (925) [REDACTED]
- Protected person's lawyer (if any): (Name, address, phone #, and State Bar #):

- 2 Restrained person's name:
Samsara Willow Oberle
- Description of that person: Sex: ☐ M ☒ F Ht.: 5' 6"
Wt.: 135 Race: Caucasian Hair Color: Brown
Eye Color: Brown Age: 33 Date of Birth: 3/06/72

- 3 I ask the judge to reissue the Temporary Restraining Order, Form DV-110.
a. The last hearing date was (date): 9/29/05
b. The order has been reissued one times.

- 4 I ask the judge to reissue the order because:
a. ☐ I could not get the order served before the hearing date.
b. ☐ The date of the hearing was changed because we were sent to mediators or other family court services.
c. ☒ Other (specify): The Judge has set a hearing date beyond 10/12/05 to 11/16/05.

- 5 I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.
Date: 10/10/05

Donald Patrick Oberle
Type or print your name

Don Oberle
Sign your name

This is a Court Order.

Clerk will fill out section below.

The order listed in 3 is reissued and reset for hearing in this court on the date and time below. Unless a judge extends the time, the order will end on the date and time below.

Hearing
Date

Date: 11-16-05
Dept.: 4

Time: 9:30 am
Rm.: _____

Name & address of court if different from above:

All other orders in the Temporary Restraining Order stay in effect unless this order changes them.

Date: OCT 12 2005

[Signature]
Judge (or Judicial Officer)

PDA:	Homeland Security:	Subject:	Identity Theft
IBR Disposition: Active		Case Management Disposition:	
Forensics:		Reporting By/Date: 88-029 - Robinson, Dennis 11/30/05 11:57:00	
Case Report Status: Submitted		Reviewed By/Date:	

Incident No.
053340483.1

Related Cases:

Case Report Number 05-12-336	Agency Contra Costa County, CA
--	--

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count
Location Address: #D	Location Name:	
City, State, Zip: University Place, WA	Cross Street:	
Contact Location: #D	City, State, Zip: Unk	
CB/Grid/RD: 0201-1111-1111	District/Sector: UP03 - UP (Cirque Park)	
Occurred From: 11/30/85 06:00:00 Saturday	Occurred To: 11/30/05 06:00:00 Wednesday	
Notes:		

Offense Details: 2604 - Fraud - Identity Theft

Domestic Violence: No	Child Abuse:	Gang Related:	Juvenile:
Completed: Attempted	Crime Against: PR	Hate/Bias: None (No Bias)	
Criminal Activity:		Using:	
Location Type: Single Family Residence	Type of Security:	Tools:	
Total No. of Units Entered:	Evidence Collected:		
Entry Method:			
Notes:			

Suspect S1: Borlini, Dominique **Verified: No** **PDA:**

Aliases:	DOB:	Age: 00	Sex: Male	Race: Unknown	Ethnicity: Non-Hispanic
Height:	Weight:	Hair Color:	Eye Color:	Phone:	
Address:	County:	Country:	Business Phone:	Other Phone:	
City, State Zip:	Country:		Employer/School:		
Other Address:					
Resident: Unknown	Occupation/Grade:				

Call Source: Dispatched	Assisted By:	
Phone Report: Yes	Notified:	
Insurance Letter:	Entered By: 88-029 - Robinson, Dennis	
Entered On: 12/01/05 11:37:43	Approved By:	
Approved On:	Exceptional Clearance:	
Adult/ Juvenile Clearance:	Exceptional Clearance Date:	
Additional Distribution:	Other Distribution:	
Validation Processing	Distribution Date:	By:
	Indexed Date:	By:
	County Pros. Atty.	Juvenile Military
	City Pros. Atty.	Other DSHS
		CPS PreTrial
		Supervisor:

SSN:	DOC No:	FBI No:
State ID:	Local CH No:	
Driver License No:	Driver License State:	Driver License Country:
Hair Length:	Glasses:	Facial Hair:
Hair Style:	Teeth:	Facial Shape:
Hair Type:	Speech:	Complexion:
Appearance:	Right/Left Handed:	Facial Feature Oddities:
SMT:		Distinctive Features:
Attire:		Body Build:
Gangs:		Tribe Affiliation:
Significant Trademarks:		Identifiers:
Suspect Pretended to Be:	Modus Operandi:	
Place of Birth:	Habitual Offender:	Custody Status:
Type of Injury:	Fire Dept Response:	Hospital Taken To:
Medical Release Obtained:	Taken By:	Attending Physician:
Hold Placed By:	Suspect Offense:	
Suspect Notes:	2604 - Fraud - Identity Theft	

Victim V1: Gapsh, Kim

PDA:

Aliases:	DOB: 11/16/56	Age: 29	Sex: Female	Race: Unknown	Ethnicity: Non-Hispanic
Height:	Weight:	Hair Color:		Eye Color:	
Address:	County:		Phone:		
City, State Zip:	Country:		Business Phone:		
Other Address:			Other Phone:		
Resident:	Full - Time Resident	Occupation/Grade:	Employer/School:		
SSN:			Place of Birth:		
Driver License No:		Driver License State:	Driver License Country:		
Attire:			Complexion:		
SMT:			Facial Hair:		
Victim Of:	2604 - Fraud - Identity Theft		Facial Shape:		
Victim Type:	Individual		Weapon Used:		
Injury:	Circumstances:		Reporting Statement Obtained:		
Type of Injury:	Testify:		Fire Dept Response:		
Hospital Taken To:	Medical Release Obtained:		Taken By:		
Attending Physician:	Hold Placed By:				

Victim Offender Relationships

Offender:	Relationship:
S1 - Borlini, Dominique	Victim Was Stranger

Law Enforcement Officer Killed or Assaulted Information	Type:	Justifiable Homicide Circumstances:
	Assignment:	
	Activity:	

Victim Notes:

For Law Enforcement Use Only - No Secondary Dissemination Allowed

Printed: December 2, 2005 - 1:53 PM

Printed By: Kelly, Jim F

Incident Report

Case 3:07-cv-04337-WHA Document 6 Filed 12/03/2007 Page 43 of 59

Other Entity O1: Langton, Dan

PDA:

Aliases:									
DOB:		Age:	00	Sex:	Male	Race:	Unknown	Ethnicity:	Non-Hispanic
Height:		Weight:		Hair Color:		Eye Color:			
Address:						County:		Phone:	
City, State Zip:						Country:		Business Phone:	
Other Address:								Other Phone:	
Resident:	Unknown			Occupation/Grade:				Employer/School:	
SSN:								Place Of Birth:	
Driver License No:				Driver License State:				Driver License Country:	
Attire:								Complexion:	
SMT:								Facial Hair:	
Entity Type:	Other Individual			Reporting Statement Obtained:				Facial Shape:	
Entity Notes:									

Other Entity O2: Zenable, Phillip

PDA:

Aliases:									
DOB:		Age:	00	Sex:	Male	Race:	Unknown	Ethnicity:	Non-Hispanic
Height:		Weight:		Hair Color:		Eye Color:			
Address:						County:		Phone:	
City, State Zip:						Country:		Business Phone:	
Other Address:								Other Phone:	
Resident:	Nonresident			Occupation/Grade:				Employer/School:	Contra Costa County, CA
SSN:								Place Of Birth:	
Driver License No:				Driver License State:				Driver License Country:	
Attire:								Complexion:	
SMT:								Facial Hair:	
Entity Type:	Law Enforcement Officer			Reporting Statement Obtained:				Facial Shape:	
Entity Notes:									

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis: The victim's social security number was obtained and used by the suspect.

Narrative: On 11-30-05 at 1157 I contacted Victim Gapsh by phone regarding the theft of her identity using her Social Security number. She told me she was contacted by a detective or prosecutor in Contra Costa County, CA (Zenable) and he told her that a suspect was arrested (Dominique Borlini) and had been using her Social Security number.

Gapsh told me that the arrested individual had possibly been using her SSN for twenty years. She said she does not use a computer and she has not been the victim of any type of theft that would have caused her SSN to be stolen. She said she does not have any idea how the suspect in California could have gotten her SSN. Gapsh said that the California Detective told her that her credit may be bad because of the fraud. She told me she has not received anything that indicates she owes money or her credit is bad but she will check her credit to determine if any fraudulent accounts were opened.

For Law Enforcement Use Only - No Secondary Dissemination Allowed

Printed: December 2, 2005 - 1:53 PM

Printed By: Kelly, Jim F

Gapsh said Zenable also told her that an associated name to his investigation was Dan Langton. She said she did not know if that was a different individual or if it was an alias for Borlini.

Nothing further at this time.

Reviewed By:

Reviewed Date:

Search Date: Tuesday, November 29, 2005
Query Submitted: Database = California UCC Index
First Name = dominick
Last Name = borlini
Client Reference = don oberle

Client Reference: don oberle

Record # 1 of 2

Record Type: CALIFORNIA UCC INDEX
Data Through: 11/08/2005
File Number: 0105960440
File Date: 02/26/2001
Expiration Date: 02/27/2006

Debtor #1: DOMINICK BORLINI
1670 RIVERIA AVE STE 101
WALNUT CREEK, CA 94596

Debtor #2: CREDIT LINE FINANCIAL
1670 RIVERIA AVE STE 101
WALNUT CREEK, CA 94596

Secured Party #1: DELL FINANCIAL SERVICES, L.P.
14050 SUMMIT DR BLDG A STE 101
AUSTIN, TX 78759

Record # 2 of 2

Record Type: CALIFORNIA UCC INDEX
Data Through: 11/08/2005
File Number: 0105960440
File Date: 02/26/2001

Debtor #1: CREDIT LINE FINANCIAL
1670 RIVERIA AVE STE 101
WALNUT CREEK, CA 94596

Debtor #2: DOMINICK BORLINI
[REDACTED]

Secured Party #1: DELL FINANCIAL SERVICES, L.P.
14050 SUMMIT DR BLDG A STE 101
AUSTIN, TX 78759

NORDSTROM_{fsb}

FACSIMILE TRANSMITTAL SHEET

TO: Philip Venable FROM: PO SE
 COMPANY: DATE: 1-18-06
 FAX NUMBER: 925-446-4683 TOTAL NO. OF PAGES INCLUDING COVER: 2
 PHONE NUMBER: SENDER'S REFERENCE NUMBER:
 RE: YOUR REFERENCE NUMBER:

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

MESSAGE:

Please call me if you have
 any questions

The information in this fax message is privileged and confidential. It is intended for the use of the recipient named above (or the employee or agent responsible to deliver it to the intended recipient). If you received this in error, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this message in error, please notify us by telephone immediately and return the original message to us at the above address via U. S. Postal Service. We will be happy to reimburse you for any cost.

PLEASE FORWARD IMMEDIATELY. IF THIS FAX WAS NOT RECEIVED CORRECTLY, PLEASE NOTIFY
 NORDSTROM CREDIT SYSTEMS AT (303) 397-4800.

140662

COUNTY (TIES) OF Contra Costa, STATE OF CALIFORNIA

SEARCH WARRANT

No. 1406-019

The People of the State of California, to any sheriff, constable, marshal, police officer or peace officer in the County(ies) of Contra Costa: PROOF by affidavit having been made before me this day by Inspector Philip Venable that there is probable cause to believe the property and/or thing(s) and/or person(s) described herein may be found at the location(s) set forth and that the following provisions of California Penal Code Section 1524 are applicable:

- ☐ the property was stolen or embezzled - Penal Code 1524(a)(1).
- ☐ the property or thing(s) were used as the means of committing a felony - Penal Code 1524(a)(2).
- ☐ the property or thing(s) are in the possession of any person with the intent to use it as a means of committing a public offense; OR are in the possession of another to whom he or she may have delivered it for the purpose of concealing it or preventing it from being discovered - Penal Code 1524(a)(3).
- ☒ the property or thing(s) consist of any item or constitutes any evidence that tends to show a felony has been committed or tends to show that a particular person has committed a felony - Penal Code 1524(a)(4).
- ☐ the property or things consist of evidence which tends to show that sexual exploitation of a child in violation of Section 311.3, or possession of matter depicting sexual conduct of a person under the age of 18 years in violation of 311.11, has occurred or is occurring - Penal Code 1524(a)(5).
- ☐ an arrest warrant is outstanding for the person to be seized - Penal Code 1524(a)(5).
- ☐ because this is a search for documentary evidence which is in the possession or under the control of a lawyer, physician, psychotherapist or clergyman who is not a suspect in the criminal activity to which the documentary evidence being sought relates, the Special Master provisions are applicable - Penal Code 1524(c).

YOU ARE THEREFORE COMMANDED TO SEARCH:

THE PREMISES located at and described as: a business: Cingular Wireless, 4420 Rosewood Dr, Pleasanton, Ca 94588

including basements, attics, storage spaces, appurtenant buildings, the surrounding grounds, and all containers therein and thereon which could contain any of the items sought. *Strike out inapplicable words*

THE CONTAINER(S) located at and described as:

EXHIBIT 4

| | | | | | | | | | | | | | |

ROBERT J. KOCHLY, District Attorney
County of Contra Costa
Lauren R. Wixson, Deputy District Attorney, SB#117178
627 Ferry Street
Martinez, CA 94553-0125
Telephone: 925.646.4532
Facsimile: 925.646.4683
Attorneys for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

People of the State of) Case No.:
California,)
Plaintiff,) COMPLAINT FOR CIVIL PENALTIES,
) PRELIMINARY INJUNCTION, AND
vs.) PERMANENT INJUNCTION
)
DOSO, INC., DON OBERLE, and)
SAMSARA OBERLE,)
Defendants)

THE PEOPLE OF THE STATE OF CALIFORNIA, by and through
Robert J. Kochly, District Attorney of the County of Contra
Costa, allege as follows:

1. Robert J. Kochly, District Attorney of Contra Costa
County, acting to protect the consumers of this State and
County, brings this action in the public interest, in the name
of the People of the State of California.

2. The authority of the District Attorney of Contra Costa
County is derived from the statutory law of the State of
California, including, but not limited to, Business and
Professions Code sections 17203, 17204, and 17206.

1 3. Plaintiff is informed and believes and thereupon alleges
2 that Defendant, DOSO, INC. (hereinafter, DOSO), is a California
3 corporation, doing business as Credit Line Financial with
4 offices at 1390 Willow Pass Road, Suite 940, Concord,
5 California. Plaintiff further is informed and believes and
6 thereupon alleges that Defendant Don Oberle is the chief
7 executive officer of DOSO, that he owns and co-owns a
8 controlling interest in the stock of DOSO, that Samsara Oberle
9 is Don Oberle's wife, that she participates in the management of
10 the corporate defendant, and that she also owns and co-owns a
11 controlling interest in the stock of DOSO. Defendants do
12 business in Contra Costa County and throughout California.

13 4. The violations of law described in this complaint have
14 been carried out within the last four years in the County of
15 Contra Costa and the State of California.

16 5. Whenever an allegation regarding any act of the
17 Defendant, DOSO, is made herein, such allegation shall be deemed
18 to mean that that Defendant, or the agents or employees of said
19 Defendant, did or authorized such acts while actively engaged in
20 the affairs of that Defendant and while acting within the scope
21 and course of their employment.

22 FIRST CAUSE OF ACTION

23 (Business and Professions Code Section 17206)

24 6. Plaintiff is informed and believes and thereupon alleges
25 that during the four years preceding the filing of this
26 complaint, and specifically including the period from October
27 28, 2004 to the present, DOSO has done business as a credit
28 services organization as defined by section 1789.12(a) of the

1 California Civil Code.

2 7. Plaintiff is informed and believes and thereupon alleges
3 that on or about October 28, 2004, DOSO became licensed as a
4 real estate broker in the State of California. This corporate
5 license entitled one officer of the corporation, on behalf of
6 the corporation, to engage in the business of a real estate
7 broker without the payment of any further fee to the California
8 Department of Real Estate. Upon information and belief, the
9 person designated by DOSO is Michael W. Erb.

10 8. Plaintiff is informed and believes and thereupon alleges
11 that no real estate salespersons are licensed to DOSO and that
12 there are no additional real estate brokers licensed to DOSO.

13 9. Plaintiff is informed and believes and thereupon alleges
14 that during the four years preceding the filing of this
15 complaint, DOSO has represented that it can and will sell,
16 provide, and perform certain services in return for the payment
17 of money or other valuable consideration by buyers of its
18 services. These services include improving a buyer's credit
19 record, history, and rating, and providing advice and assistance
20 to a buyer with regard to obtaining new credit and improving a
21 buyer's credit record, history, and rating.

22 10. Plaintiff is informed and believes and thereupon
23 alleges that Michael Erb does not supervise any employees of
24 DOSO, does not work with the buyers of DOSO services to improve
25 their credit record, history, or rating, and does not provide
26 advice and assistance to buyers with regard to improving a
27 buyer's credit record, history, and rating.

28 11. Plaintiff is informed and believes and thereupon

1 alleges that during the four years preceding the filing of this
2 complaint, DOSO has charged and received money from buyers prior
3 to full and complete performance of the services DOSO agreed to
4 perform for buyers, in violation of California Civil Code
5 section 1789.13(a).

6 12. Plaintiff is informed and believes and thereupon
7 alleges that during the four years preceding the filing of this
8 complaint, DOSO has failed to provide buyers of its services,
9 prior to the execution of any contract or agreement between DOSO
10 and buyers, with a statement in writing containing all the
11 information required by California Civil Code section 1789.15,
12 in violation of California Civil Code section 1789.14.

13 13. Plaintiff is informed and believes and thereupon
14 alleges that during the four years preceding the filing of this
15 complaint, DOSO has conducted business as a credit services
16 organization without first obtaining a surety bond in the
17 principal amount of one hundred thousand dollars in favor of the
18 State of California for the benefit of any person damaged by any
19 violation of the Civil Code provisions pertaining to credit
20 services organization, and in favor of any individual damaged by
21 those practices, in violation of California Civil Code section
22 1789.18(a).

23 14. Plaintiff is informed and believes and thereupon
24 alleges that during the four years preceding the filing of this
25 complaint, DOSO has failed to provide buyers of its services
26 with a written contract that complies with section 1789.16 of
27 the California Civil Code.

28 15. Plaintiff is informed and believes and thereupon

1 alleges that during the four years preceding the filing of this
2 complaint, DOSO has violated California Civil Code section
3 1789.16 by failing to provide buyers of its services with a
4 written contract that is dated, signed by the buyer, and
5 includes a conspicuous statement in size equal to at least 10-
6 point boldface type, in immediate proximity to the space
7 reserved for the signature of the buyer, reading as follows:
8 "You, the buyer, may cancel this contract at any time prior to
9 midnight of the fifth day after the date of the transaction.
10 See the attached notice of cancellation form for an explanation
11 of this right."

12 16. Plaintiff is informed and believes and thereupon
13 alleges that during the four years preceding the filing of this
14 complaint, DOSO has violated California Civil Code section
15 1789.16 by failing to provide buyers of its services with a
16 completed form in duplicate, captioned "Notice of Cancellation,"
17 which is attached to a written contract and is easily
18 detachable, and which contains in type of at least 10-point the
19 following statement written in the same language as used in the
20 in the contract:

21 "Notice of Cancellation"

22 "You may cancel this contract, without any
23 penalty or obligation, within five days from the
date the contract is signed.

24 "If you cancel, any payment made by you under
25 this contract must be returned within 15 days
following receipt by the seller of your
cancellation notice.

26 "To cancel this contract, mail or deliver a signed
27 and dated copy of this cancellation notice, or any
other written notice, to (name of seller) at
28 (address of seller) (place of business)
not later than midnight (date).

1 "I hereby cancel this transaction.

2 _____ (date) (purchaser's signature)"

3 17. Plaintiff is informed and believes and thereupon
4 alleges that during the four years preceding the filing of this
5 complaint, DOSO has failed to file a registration application
6 with, and receive a certificate of registration from, the
7 California Department of Justice in violation of California
8 Civil Code section 1789.25.

9 18. Plaintiff is informed and believes and thereupon
10 alleges that during the four years preceding the filing of this
11 complaint, Defendant Don Oberle was the principal managing
12 officer of DOSO, was responsible for the day-to-day operation of
13 DOSO, and was in a position of responsibility and authority to
14 prevent and to correct the violations of law described in
15 paragraphs 6 through 17 above and failed to do so. Plaintiff
16 further alleges on information and belief that Defendant Don
17 Oberle authorized the business practices and procedures used by
18 the DOSO as described in paragraphs 6 through 17 above.

19 19. Plaintiff is informed and believes and thereupon
20 alleges that during the four years preceding the filing of this
21 complaint, Defendant Samsara Oberle was an officer and a
22 managing agent of DOSO, that she was in a position of
23 responsibility and authority to prevent and to correct the
24 violations of law described in paragraphs 6 through 17 above and
25 failed to do so, and that she consulted and conspired with
26 Defendant Don Oberle with respect to the actions and failures to
27 act described in paragraphs 6 through 17 above.

28 20. Plaintiff is informed and believes and thereupon

1 alleges that the actions of Defendants as described above
2 constitute unlawful and unfair business practices in violation
3 of section 17200 of the California Business and Professions
4 Code, and Defendants are therefore liable to pay civil penalties
5 in accordance with section 17206 of the Business and
6 Professions Code of up to \$2,500 per day per violation.

7 SECOND CAUSE OF ACTION

8 (Business and Professions Code Section 17203)

9 21. Plaintiff realleges and incorporates by reference as
10 though set forth in full herein Paragraphs 6 through 20 of this
11 Complaint.

12 22. Plaintiff is informed and believes and thereupon
13 alleges that the actions of Defendants as described above
14 constitute unlawful and unfair business practices in violation
15 of section 17200 of the California Business and Professions
16 Code, and Defendants should therefore be immediately enjoined
17 and restrained from operating in this state as a credit services
18 organization as defined in section 1789.12(a) of the California
19 Civil Code until such time as Defendants have demonstrated to
20 to this Court that they have complied with sections 1789.13,
21 1789.14., 1789.15, 1789.16, 1789.18, and 1789.25 of the
22 California Civil Code or that they are otherwise exempt from the
23 requirements of these sections.

24 THIRD CAUSE OF ACTION

25 (Business and Professions Code Section 17203)

26 23. Plaintiff realleges and incorporates by reference as
27 though set forth in full herein Paragraphs 6 through 20 of this
28 Complaint.

1 24. Plaintiff is informed and believes and thereupon
2 alleges that the actions of Defendants as described above
3 constitute unlawful and unfair business practices in violation
4 of section 17200 of the California Business and Professions
5 Code, and Defendants should restore to buyers of its services
6 all funds paid by such buyers to Defendants in the four years
7 preceding the date of filing of this complaint.

8 WHEREFORE, Plaintiff prays judgment against Defendants as
9 follows:

10 A. That Defendants pay civil penalties of not less
11 than five hundred thousand dollars;

12 B. That Defendants be preliminarily and permanently
13 enjoined from operating in this state as a credit services
14 organization as defined in section 1789.12(a) of the California
15 Civil Code until such time as Defendants have demonstrated to
16 this Court that they have complied with sections 1789.13,
17 1789.14., 1789.15, 1789.16, 1789.18, and 1789.25 of the
18 California Civil Code

19 C. That Defendants make restitution to all victims of
20 their unlawful and unfair business practices;

21 D. That Plaintiff have such other further relief as to
22 the court may seem just and proper.

23 DATED:
24 At Martinez, California.

Respectfully submitted,

ROBERT J. KOCHLY
District Attorney

Lauren R. Wixson
Deputy District Attorney

Addendum: Michael Erb is allowed to operate his primary real estate and other businesses without interruption by CLF and his income and assets of such businesses are the sole property of Michael Erb and his partners and/or associates.

IN WITNESS WHEREOF, the parties have hereunder set their hands and duly executed this Agreement on the day and year indicated below. The undersigned acknowledge that they have read and completely understood the terms of this Agreement as stated herein and have the authority to execute this Agreement.

Michael Erb


Michael Erb, Director

DOSO Inc.


Don Oberle, CEO

EXHIBIT 5

| | | | | | | | | | | | | | |



Florida Department of
CORRECTIONS

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Corrections Offender Network

Supervised Population Information Detail

(This information was current as of 8/19/2007)



DC Number:	945373
Name:	OBERLE, DON P
Race:	WHITE
Sex:	MALE
Hair Color:	BROWN
Eye Color:	BROWN
Height:	6'00"
Weight:	165 lbs.
Birth Date:	02/12/1966
Supervision Begin Date:	07/02/1992
Current Location:	TAMPA
Current Status:	SUSPENSE
Supervision Type:	PROBATION FELONY
Scheduled Termination Date:	07/01/1995

Current Verified Address:

89 OAK ROAD
ORINDA, CA 94563

Aliases:

DON P OBERLE DONALD OBERLE

Note: The offense descriptions are truncated and do not necessarily reflect the crime for which the offender is on supervision. Please refer to the court documents or the Florida Statutes for further information or definition.